

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**IN RE THE MATTER OF: MIRAQUELLE BUTLER, BY HER NEXT FRIEND,  
REBEKAH ROLLER AND REBEKAH ROLLER, INDIVIDUALLY, RESPONDENT  
vs.  
STATE OF MISSOURI, RESPONDENT**

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DOCKET NUMBER WD74185

DATE: JUNE 5, 2012

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Appeal from:

The Circuit Court of Clay County, Missouri  
The Honorable Kathryn Elizabeth Davis, Judge

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Appellate Judges:

Division One: Joseph M. Ellis, P.J., Alok Ahuja, and Gary D. Witt, JJ.

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Attorneys:

Dan J. Pingelton, for Appellants  
Mark A. Gilmore, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

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REBEKAH ROLLER AND REBEKAH ROLLER, INDIVIDUALLY, RESPONDENT  
v.  
STATE OF MISSOURI, RESPONDENT**

WD4185

Clay County, Missouri

Before Division One Judges: Joseph M. Ellis, P.J., Alok Ahuja, and Gary D. Witt, JJ.

Robert Butler ("Father") appeals from a judgment of paternity entered in the Circuit Court of Cole County. On January 29, 2002, the a family court commissioner entered findings and recommendations declaring Father to be Miraquelle Butler's father, awarding Mother sole legal and physical custody, and ordering Father to pay child support. On February 15, 2002, the Circuit Court Judge James Welsh entered a hand-written and initialed docket entry stating, "Motion for re-hearing taken up & denied. Findings and Recommendations adopted & confirmed. Judgment accordingly."

For reasons unexplained in the record, on June 20, 2011, a Circuit Court Judge Elizabeth Davis signed the commissioner's original findings and recommendations. Father appeals.

**DISMISSED.**

**Division One holds:**

(1) Judge Welsh's docket entry was clearly denominated a judgment, specifically adopted and confirmed the findings and recommendations of the commissioner, and was signed with his handwritten initials. Accordingly, judgment was properly entered on February 15, 2002, and Judge Davis' subsequent judgment entry was unnecessary and duplicative.

(2) In order to appeal from the judgment, Father was required to file his notice of appeal within ten days of the judgment becoming final. Because Father's notice of appeal was filed over nine years too late, the appeal must be dismissed.

Opinion by Joseph M. Ellis, Judge

Date: June 5, 2012

**This summary is *UNOFFICIAL* and should not be quoted or cited.**

